

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JOSEPH L. ENNIS,

Plaintiff,

v.

CALIFORNIA STATE PRISON –
SACRAMENTO, et al.,

Defendants.

No. 2:21-cv-0467 WBS DB P

ORDER

Plaintiff is a state prisoner proceeding pro se with a civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff claims that defendants failed to provide him adequate medical care in violation of his Eighth Amendment right. Presently before the court is defendants' motion for an extension of time to continue the settlement conference set for March 14, 2022. (ECF No. 32.)

By order dated November 29, 2021, this action was referred to the court's post-screening ADR (Alternative Dispute Resolution) project and stayed for 120 days. (ECF No. 20.) The order further stated that any motion to opt out must be filed within sixty days. (*Id.*) On December 8, 2021, the court issued a minute order setting a settlement conference in this action for March 14, 2021. (ECF No. 22.) Thereafter, defendants sought and obtained an extension of the deadline to file a motion to opt out of the court's post-screening ADR project. (ECF Nos. 25, 29.) On February 25, 2022, counsel filed a notice indicating defendants agreed to participate in a settlement conference. (ECF No. 31.)

1 Counsel for defendants now seeks to continue the settlement conference because counsel
2 “erroneously believed that the original settlement conference of March 14, 2022, would be
3 vacated, and a new settlement conference would be scheduled” based on their motion to extend
4 the deadline to file a motion to opt out. (ECF No. 32 at 1.) Counsel further states that they have a
5 conflict on March 14, 2022. The court notes that when counsel sought additional time counsel
6 did not request that the court vacate the settlement conference date and the court’s order granting
7 that motion did not vacate the settlement conference. Additionally, it is counsel’s responsibility
8 to remain apprised of deadlines and hearing dates.

9 Good cause appearing the court will grant the motion and vacate the settlement
10 conference.

11 Accordingly, IT IS HEREBY ORDERED that:

- 12 1. Defendants’ motion to continue the settlement conference (ECF No. 32) is granted;
- 13 2. The settlement conference set for March 14, 2022, before Magistrate Judge Delaney is
14 vacated;
- 15 3. The writ of habeas corpus ad testificandum (ECF No. 24) is vacated; and
- 16 4. The court will set a new settlement conference date by separate order.

17 Dated: March 8, 2022

18 /s/DEBORAH BARNES
19 UNITED STATES MAGISTRATE JUDGE
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